

1 His refusal to comply in those regards, however,
2 affects his representation of who he purports to be Avenal
3 and Central Valley. So that's outstanding. So we're still
4 not getting proper service. There's two levels to Mr.
5 Zawila's participation in this case, your Honor. There's
6 what's alleged in the HDO and the fact that he complies
7 with a very few of your Honor's orders. So it's a very
8 troubled --

9 JUDGE SIPPEL: Well --

10 MR. ENGEL: -- before the Court, your Honor, so
11 that issue is outstanding.

12 JUDGE SIPPEL: He's obviously defaulted on my
13 order to show cause. And so I will, I will, I mean, the
14 sanction that I'm going to impose is for the need to serve
15 him by fax or by First-Class Mail. He can still email to
16 that address, which is just pushing another button on your
17 machine. We do the same thing.

18 MR. ENGEL: No, First-Class Mail or fax, your
19 Honor?

20 JUDGE SIPPEL: No.

21 MR. ENGEL: Thank you, your Honor.

22 JUDGE SIPPEL: No, no further First-Class Mail
23 or fax. We've accommodated him all we can. Does anybody
24 have any, aside from the merits of this case, does anybody
25 have any idea what is the status of the, is that email

1 address just defunct or something? Anybody have any ideas
2 on that?

3 MR. ENGEL: Your Honor, I have a Yahoo email
4 address. It's a free email address. I don't think there's
5 any that gets deleted, but I use it occasionally, so I
6 assume that keeps it alive. But I don't know. He knows
7 from your Honor's order that that email address is on file
8 with the California Bar. I assume he provided that to the
9 California Bar.

10 JUDGE SIPPEL: Yes.

11 MR. ENGEL: You required that of us, your Honor.
12 He chose not to respond. I can't take a position for him.
13 I can only --

14 JUDGE SIPPEL: Why wouldn't he just want to use
15 that email address for purposes of receiving papers in this
16 case? It's so much simpler.

17 MR. ENGEL: It's a good question, your Honor.

18 JUDGE SIPPEL: Maybe he doesn't have a computer.

19 MR. COUZENS: I wondered about that or a
20 connection, but, you know, we can direct him to the nearest
21 public library. He can take care of all that, too.

22 JUDGE SIPPEL: I'm finished giving directions to
23 Mr. Zawila.

24 MS. KANE: Your Honor, if we could just clarify
25 for the record that for service requirements --

1 JUDGE SIPPEL: Yes.

2 MS. KANE: -- are the parties require to serve
3 only by email then --

4 JUDGE SIPPEL: Yes.

5 MS. KANE: -- and on ECFS? On all parties, even
6 those represented by Mr. Couzens?

7 JUDGE SIPPEL: Oh, no, no, I'm talking about
8 filing on ECFS.

9 MS. KANE: We understand, your Honor. We file
10 everything on ECFS. But in terms of service copies, is an
11 email service copy sufficient or do the parties need to
12 mail, as well?

13 JUDGE SIPPEL: Well, do you want to agree to
14 that? Do you want to agree to relying on email only,
15 rather than have them mailed?

16 MR. COUZENS: A paper with a certificate of
17 service. Maybe I'm that old-fashioned but --

18 JUDGE SIPPEL: Well, that's okay. You can be
19 old-fashioned.

20 MS. KANE: We're happy to do that, your Honor,
21 if we could also, I believe we've had this in other cases
22 where when things are served or filed, whether that be
23 discovery responses or pleadings, that they also be served
24 on the same day by email.

25 JUDGE SIPPEL: Yes, yes.

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1 MR. COUZENS: I think we both have that, both
2 sides here have that practice.

3 JUDGE SIPPEL: It seems to me that you do.

4 MR. COUZENS: Sending a courtesy email.

5 MS. KANE: Well, that's only been filings, your
6 Honor. We just got discovery, written discovery responses
7 today from Mr. Couzens that were not emailed to us. They
8 were handed to us in person and apparently mailed to us
9 previously, but we have not received the mail yet.

10 MR. COUZENS: Well, I'm going to plead
11 exhaustion on Saturday, so I apologize for that because it
12 was not my normal practice.

13 JUDGE SIPPEL: All right. We'll just revive or
14 renew that practice.

15 MR. COUZENS: We're fine with that, yes.

16 JUDGE SIPPEL: Courtesy copies will go out the
17 date the document is filed, either the filing by mailing or
18 the filing by filing, however it is. And on the date that
19 I issue anything, I send out courtesy copies.

20 MS. KANE: Thank you, your Honor.

21 JUDGE SIPPEL: I don't even wait until the
22 release date.

23 MR. COUZENS: Now, you don't expect, Judge, you
24 don't expect copies of this discovery material as it goes
25 along, do you? Responses and so forth?

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1 JUDGE SIPPEL: No.

2 MR. COUZENS: Interrogatories, what have you?

3 JUDGE SIPPEL: The answers to interrogatories?

4 MR. COUZENS: Interrogatories in the first place
5 and the answers thereto, you don't expect copies of that,
6 do you?

7 JUDGE SIPPEL: Well, yes, if you're sending out
8 interrogatories, I would expect a copy of it, yes. And I
9 would expect copies of answers you get.

10 MR. COUZENS: All right.

11 JUDGE SIPPEL: The person that's completing the
12 answers is going to normally file a copy with me anyway.

13 MR. COUZENS: It's not what I'm used to in
14 practice. It's party to party communication.

15 JUDGE SIPPEL: Well, I don't know. Maybe those
16 judges don't want to get themselves involved that much.
17 Maybe their docket is too busy. But I find it very
18 important to find out just how -- I'm not going to double-
19 check the accuracy of the answers to an interrogatory, but
20 I want to see that everybody is doing their job. And if I
21 just don't hear from people, that doesn't convince me that
22 they're not doing their job.

23 MR. COUZENS: Well, I mean, any discovery that
24 we initiate or respond to, we can certainly send you
25 copies. But they wouldn't go on ECFS, would they?

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1 MS. KANE: No, discovery is not filed, your
2 Honor. It's simply served among the parties, including the
3 judge.

4 JUDGE SIPPEL: Yes. I mean, that's the practice
5 here at the Commission. Maybe that's a local practice.

6 MR. COUZENS: Well, I'm happy to keep you in the
7 loop.

8 JUDGE SIPPEL: Well, I'm happy to get it.

9 MR. COUZENS: Okay.

10 JUDGE SIPPEL: I'm happy to get it. You only
11 have to serve one copy between myself and Ms. Funk. You
12 don't have to serve two copies. If you're just sending it
13 by email, what's the big deal? I don't want to confuse
14 anybody by saying that.

15 Are you set now, Mr. Couzens? Is there anything
16 more you need?

17 MR. COUZENS: Nothing.

18 JUDGE SIPPEL: We're all set. And you know, Ms.
19 Kane, April 15th is your next big date; is that right?

20 MS. KANE: Yes, your Honor. That should be
21 sufficient.

22 JUDGE SIPPEL: And you have a very safe and
23 enjoyable trip to Europe.

24 MS. KANE: Thank you, sir.

25 JUDGE SIPPEL: I hope you come back.

1 MS. KANE: I hope so, too, your Honor.

2 JUDGE SIPPEL: I really do. Mr. Couzens, what's
3 your next thing? Are you going to stay here to see the
4 beautiful flowers we have, the blossoms and everything?

5 MR. COUZENS: I think I just about have time to
6 get over to Frederick Douglass birthplace, which I've never
7 seen, and then go on back to the airport.

8 JUDGE SIPPEL: Well, now you see you've got
9 something important done. That's so great. And I think
10 very highly of your town. I think that says something.

11 MR. COUZENS: Well, thank you.

12 JUDGE SIPPEL: Okay. Are we all set now?
13 Everybody is set to go. We're in recess until the next
14 procedure, whatever it might be. Thank you very much.
15 Thank you. We're off the record.

16 (Whereupon, the above-referred to matter went
17 off the record at 11:07 a.m.)

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C E R T I F I C A T E

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In the matter of: William L. Zawila, et al.

Before: Federal Communications Commission

Date: 03-29-16

Place: Washington, DC

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Date of Hearing

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April 12, 2016

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